

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOSEPH SCOTT and RENEE SCOTT, Plaintiffs,</b>  <b>v.</b>  <b>FOREMOST INSURANCE COMPANY, et al., Defendants.</b>	<b>CIVIL ACTION</b>  <b>NO. 15-3257</b>
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**ORDER**

**AND NOW**, this 30<sup>th</sup> day of September 2015, after review of Defendant Foremost Insurance Company's Motion to Dismiss Plaintiffs' Amended Complaint (ECF 7) and Plaintiffs' Response in Opposition thereto (ECF 8), and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that Defendant's Motion to Dismiss is:

1. **DENIED** as to Count I (statutory bad faith, 42 Pa. C.S. § 8371);
2. **GRANTED** as to Count II (negligence), and the claim is **DISMISSED WITH PREJUDICE**;
3. **GRANTED** as to Count III (Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1 to 201-9.3), and the claim is **DISMISSED WITHOUT PREJUDICE**;
4. **DENIED** as to Count IV (breach of contract);
5. **GRANTED** as to Count V (breach of fiduciary duty), and the claim is **DISMISSED WITHOUT PREJUDICE**; and
6. **DENIED** as to Count VI (loss of consortium).

Plaintiffs may file an amended complaint with regard to their Unfair Trade Practices Law Claim

(Count III) within 14 days of the date of this Order.

**BY THE COURT:**

**/s/ Michael M. Baylson**

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**MICHAEL M. BAYLSON, U.S.D.J.**

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